

RESOLUTION NO. CA-2-16

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF GAITHERSBURG  
TO AMEND SECTION 19 OF THE CITY CHARTER ENTITLED  
“ENUMERATION OF POWERS OF COUNCIL” SO AS TO  
DELETE OUTDATED LANGUAGE

WHEREAS, Section 19 of the Charter of the City of Gaithersburg provides the justification of the Council passing any ordinance for the City; and

WHEREAS, the Mayor and City Council has determined that the proposed amendments ensure that the adoption of ordinances are in accordance with the Constitution and laws of the State of Maryland; and

WHEREAS, the amendment of Section 19 of the Charter of the City of Gaithersburg was duly considered by the Mayor and City Council at a public hearing held on May 2, 2016.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Gaithersburg, in public meeting assembled, that Section 19 of the City Charter is hereby amended as follows:

Section 1 – That Section 19 of the Charter of the City of Gaithersburg be, and the same is, amended to read as follows:

Sec. 19. - Enumeration of powers of council.

The council may pass any ordinance not contrary to the Constitution and laws of the State of Maryland or this Charter, as it may deem necessary to assure the good government of the City; protect and preserve the City’s rights, property and privileges; preserve the peace and good order; secure persons and property from danger and destruction; and protect the health, comfort and welfare of the residents of the City.

~~The council shall have the following powers to the extent that their exercise is not specifically prohibited by Constitution or statute:~~

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<del>Single strikethrough</del>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
<del>Double boldface strikethrough</del>	<i>Deleted from existing law or the bill by amendment.</i>
***	<i>Existing law unaffected by bill.</i>

- ~~(1) To provide for advertising for the purposes of the city.~~
- ~~(2) To regulate and prevent the obstructions of aisles in public halls, churches, places of amusement and other places open to the public and to regulate the construction and operation of the doors and means of egress therefrom.~~
- ~~(3) To provide for licensing, regulating, or restraining theatrical or other public amusements.~~
- ~~(4) To appropriate municipal monies for any purpose within the powers of the council.~~
- ~~(5) To regulate the sale of all kinds of property at auction within the city and to license auctioneers.~~
- ~~(6) To establish a municipal band, symphony orchestra, or other musical or cultural organization, and to regulate by ordinance the conduct and policies thereof.~~
- ~~(7) To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the city, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the city.~~
- ~~(8) To regulate the erection, construction, repair or reconstruction of buildings in the city and to require building permits for the same; and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.~~
- ~~(9) To regulate or prohibit the operation of cemeteries and the interment of bodies within the city.~~
- ~~(10) To codify, or recodify, in permanent or looseleaf form, from time to time, any or all of the laws and ordinances of the city, and the City Charter, and such other laws or ordinances as they may deem appropriate for inclusion in such codification, and to publish periodic supplements to any such codification. In the process of codification or recodification, the council shall have the power to amend or repeal any or all of the ordinances or resolutions of the city heretofore or hereafter adopted, by changes, alterations, amendments or deletions in any codification, or any supplement thereto. Except as may otherwise be required, by law, no notice of any such amendment or repeal shall be required, other than notice of the adoption or approval of such codification, recodification, or supplement thereto.~~
- ~~(11) To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the city.~~

- ~~(12) To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performances of or for cooperation in the performance of any governmental functions.~~
- ~~(13) To prohibit the youth of the city from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.~~
- ~~(14) To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned on the payment of all damages resulting from such work which may be sustained by any persons or property.~~
- ~~(15) To regulate the keeping of dogs in the city and to provide for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.~~
- ~~(16) To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.~~
- ~~(17) To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.~~
- ~~(18) To compel the occupant of any premises, building or structure situated in the city, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the city.~~
- ~~(19) To levy, assess, and collect ad valorem property taxes, to participate in real property tax relief measures as allowed under applicable local, state and federal laws and in accordance therewith and authorize the city manager to, by resolution, establish and implement appropriate regulations relating to the administration of such measures; to expend municipal funds for any public purpose; to have general management and control of the finances of the city except to the extent that responsibility therefore is delegated by this Charter to the city manager.~~
- ~~(20) To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the city; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire hazardous buildings and structures permanently or until the conditions of city fire hazard regulations are met; to install and maintain fire plugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the city.~~

- ~~(21) To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of, any food products.~~
- ~~(22) To grant and regulate franchises to electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, community antenna television companies and any other which may be deemed advantageous and beneficial to the city. No such franchise shall be granted for a longer period than fifty years.~~
- ~~(23) To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slop, garbage, ashes and other waste or other unwholesome material to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.~~
- ~~(24) To accept gifts and grants of funds from the federal, state or county governments or any agency thereof, or any other source, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.~~
- ~~(25) To license, tax, regulate, or prohibit pawnbrokers, fortunetellers, hawkers, itinerant dealers and peddlers, and all other persons selling any article on the streets of the city.~~
- ~~(26) To protect and preserve the health of the city and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the city; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health.~~
- ~~(27) To regulate the numbering of houses and lots and to compel owners to renumber the same or in default thereof to authorize and require the same to be done by the city.~~
- ~~(28) To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the city or to use the county jail for such purpose.~~
- ~~(29) To license and regulate all persons beginning to conduct transient or permanent business in the city for the sale of any goods, wares, merchandise, or services; to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for licenses and permits issued under the authority of this Charter.~~

- ~~(30) To provide that any valid charges, taxes or assessments made against any real property within the city shall be liens upon such property, to be collected as municipal taxes are collected.~~
- ~~(31) To provide for the lighting of the city.~~
- ~~(32) To regulate and prohibit the running at large of cattle, swine, fowl, sheep, goats, dogs or other animals; to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.~~
- ~~(33) To obtain by lease, own, construct, purchase, operate and maintain public markets within the city.~~
- ~~(34) To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares and merchandise.~~
- ~~(35) To regulate or prohibit unreasonable ringing of bells, crying of goods, sounding of whistles and horns, or other noises.~~
- ~~(36) To prevent or abate by appropriate ordinance all nuisances in the city which are so defined at common law, by this Charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, prohibit, control the location of, or require the removal from the city and all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health; to regulate, prohibit, control the location of, or require the removal from the city of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies; this listing is by way of enumeration, not limitation.~~
- ~~(37) To remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto, or any other places within the limits of the city.~~
- ~~(38) To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off-street parking.~~
- ~~(39) To install parking meters on the streets and public places of the city and to prescribe rates and provisions for the use thereof.~~
- ~~(40) To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the city.~~
- ~~(41) To establish, operate and maintain a police force which shall have, within the city, all the power and authority of police officers and deputy sheriffs generally within the scope of the police functions and powers in this state. Such police force and members thereof shall~~

~~also be authorized to act outside the city to the extent necessary to transport prisoners to or from trial or to or from places of incarceration, or to engage in the pursuit of fleeing offenders, or to cooperate in the exercise of police functions by agreements between the city and other governmental jurisdictions.~~

- ~~(42) To prohibit, within the city, all vice, gambling, and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.~~
- ~~(43) To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome material into any public way or onto any public or private property in the city.~~
- ~~(44) To license, tax and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters and expressmen, and all other persons pursuing like occupations.~~
- ~~(45) To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.~~
- ~~(46) To purchase, lease, borrow, install, and maintain voting machines for use in city elections.~~
- ~~(47) In addition to all powers granted to the council by this Charter or any other provision of law, the council may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this Charter, or any applicable law passed by the General Assembly of Maryland. The enumeration of powers and functions in this Charter or elsewhere shall not be deemed to limit the power and authority granted by this paragraph.~~
- ~~(48) To encourage and establish programs, take actions and provide assistance for orderly economic and industrial development in the city and foster employment opportunities for inhabitants of the city.~~

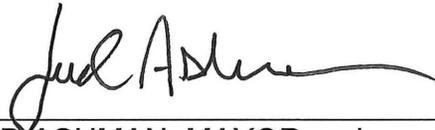
Section 2 – BE IT FURTHER RESOLVED that the date of the adoption of this resolution is June 6, 2016, and that the amendment to the Charter of the City of Gaithersburg, as herein adopted, shall be and become effective on July 26, 2016, unless on or before said date a proper petition for referendum of this resolution shall be filed as permitted by law.

Section 3 – BE IT FURTHER RESOLVED that a complete and exact copy of this resolution shall be posted at City Hall, 31 South Summit Avenue, Gaithersburg, Maryland 20877, until July 16, 2016, and a fair summary of the proposed Charter amendment contained in this resolution shall be published in a newspaper of general

circulation in the City of Gaithersburg not fewer than four (4) times at weekly intervals before July 16, 2016.

Section 4 – AND BE IT FURTHER RESOLVED that as soon as the Charter amendment hereby enacted shall become effective, either as herein provided or following a referendum, the City shall send or cause to be sent to the Department of Legislative Reference the following information concerning this Charter resolution: (1) the complete text of this resolution; (2) the date of enactment of the Charter amendment; (3) the date of the referendum election, if any; (4) the number of votes cast for or against this resolution whether by the City Council or in a referendum; and (5) the effective date of the Charter amendment contained herein.

ADOPTED by the City Council this 6th day of June, 2016.



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JUD ASHMAN, MAYOR and  
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council, in a public meeting assembled on the 6th day of June, 2016. This Resolution will become effective on the 26th day of July, 2016.



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Tony Tomasello, City Manager